

City of Seattle Legislative Information Service

Seattle Municipal Code

Title 23 - LAND USE CODE

Subtitle III Land Use Regulations

Division 2 Authorized Uses and Development Standards

Chapter 23.44 - Residential, Single-Family

Subchapter III Accessory Uses

SMC 23.44.041 Accessory dwelling units.

A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit under the following conditions:

1. A lot with or proposed for a single-family dwelling may have no more than one (1) accessory dwelling unit.

2. One (1) of the dwelling units shall be occupied by one (1) or more owners of the property as the owner's(s') permanent and principal residence, and the owner-occupant shall comply with the requirements of subsection C, Owner Occupancy.

3. Any number of related persons may occupy each unit in a single-family dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units may not exceed eight (8).

4. All accessory dwelling units must meet the following, unless modified in subsection B:

a. Maximum Gross Floor Area One thousand (1,000) square feet, including garage and storage area.¹

b. Entrances Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit.²

c. Parking One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.³ An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.

Footnotes: 1. The gross floor area of an accessory dwelling unit may exceed one thousand (1,000) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one (1) level. 2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance. 3. No off-street parking space will be required for an accessory dwelling unit if: a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or b. The site is located

in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five (75) percent for on-street parking within four hundred (400) feet of all property lines of the site. c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015~~3-C~~, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015~~3-C~~, Map B).

B. Accessory Dwelling Units, detached.

1. Locations allowed. An accessory dwelling unit may be located in a structure separate from a principal single-family dwelling unit in single-family zones within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established by Section 23.60.010~~3-C~~.

2. Development standards. Detached accessory dwelling units shall meet the following standards and the standards of subsection A, except as modified in this subsection:

Development Standards for Detached Accessory Dwelling Units¹

- a. Minimum Lot Size 4,000 square feet
- b. Minimum Lot Width 25 feet
- c. Minimum Lot Depth 70 feet²
- d. Maximum Lot Coverage The provisions of Section 23.44.010~~3-C~~ apply.
- e. Maximum Rear Yard Coverage The provisions of Section 23.44.014~~3-C~~ D.6.b apply.
- f. Maximum Gross Floor Area 20% of the lot size, or 800 square feet, whichever is less, including garage or storage area.³
- g. Front Yard A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014~~3-C~~ A.
- h. Minimum Side Yard The provisions of Section 23.44.014~~3-C~~ C apply.
- i. Minimum Rear Yard A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot

line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line.⁴

j. Location of Entry Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.

k. Maximum Height Limits⁵ Lot Width (feet)

	Less than 30	30-35	36-40	41 or great
(1) Maximum Structure Height (feet)	12	14	15	16
(2) " " " with Pitched Roof (feet)	15	21	22	23
(3) " " " with Shed or Butterfly Roof (ft)	15	18	19	20

Footnotes:

1. Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures. 2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than five thousand (5,000) square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard. 3. Areas below grade are exempt from the calculation of gross floor area. 4. When the rear lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within twelve (12) feet of the centerline of the alley. 5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply. Exhibit 23.44.041 B ■ Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:

a. the accessory structure complies with the minimum standards set forth in Sections 22.206.010 ■ through 22.206.140 ■ of the Housing and Building Maintenance Code, SMC chapter 22.206; and

b. nonconformity with the development standards for accessory dwelling units contained in Sections 23.044.041A4 and 23.044.041B1 is not increased; and

c. the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999.

C. Owner Occupancy.

1. Requirement. An owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit for more than six (6) months of each calendar year.

2. Violation. If there is a violation of the requirements of subsection C1, the owner shall:

- a. Re-occupy the structure; or
- b. Remove the accessory dwelling unit; or
- c. Submit evidence to the Director showing good cause why the requirement for owner occupancy should be waived. Good cause may include job dislocation, sabbatical leave, education, or illness. Upon such showing the Director may waive the requirement for up to three (3) years; and
- d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019 and 23.90.020.

3. Deed Restriction. Prior to issuance of a permit establishing an accessory dwelling unit, the owner shall sign under oath, and the Department of Planning and Development shall record in the King County Office of Records and Elections, an agreement by the owner(s) that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

- a. Comply with the requirements of this subsection C; and
- b. Notify all prospective purchasers of the requirements of this subsection C.

D. Single-family Status Unaffected. A single-family lot with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

E. DPD shall report annually to the Urban Development and Planning Committee or its successor committee on detached and attached accessory dwelling unit permit activity in the geographic area described in Section 23.44.041.B.1. This reporting shall include the number of applications filed since the previous annual report, the number of permits issued and the number of permits finalized since the previous annual report, and the location and dispersion of the accessory dwelling units that were the subject of all permit applications since the previous report, indicating which have been denied, which have been issued, which have been finalized, whether any waivers were granted for parking, and which are still in the application stage.

(Ord. [122190](#) , Section 8, 2006; Ord. [121477](#) Section 5, 2004; Ord. [121276](#) Section 37, 2003; Ord. [119837](#) Section 1, 2000; Ord. [119617](#) Section 2, 1999; Ord. [119027](#) Section 1, 1998; Ord. [118912](#) Section 36, 1998; Ord. [118794](#) Section 20, 1997; Ord. [118672](#) Section 4, 1997; Ord. [118472](#) Section 3, 1997; Ord. 117203 Section 2, 1994.)